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**Attorneys for Plaintiffs
Joe Hand Promotions, Inc.**

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JOE HAND PROMOTIONS, INC.,

CASE NO. 5:11-cv-00508-EJD

Plaintiff,

vs.

UYEN DANG, et al.

Defendant.

**PLAINTIFF'S *EX PARTE*
APPLICATION FOR AN ORDER
VACATING THE CASE
MANAGEMENT CONFERENCE; AND
ORDER (Proposed)**

**TO THE HONORABLE EDWARD J. DAVILA, THE DEFENDANT, AND THEIR
ATTORNEYS OF RECORD:**

Plaintiff Joe Hand Promotions, Inc. hereby applies *ex parte* for an order vacating the Case Management Conference in this action, presently set for Friday, August 26, 2011 at 1:30 P.M. This request will be, and is, necessitated by the fact that Defendant Uyen Dang, individually and d/b/a Chot Nho Café is in default¹ and Plaintiff's Application for Default Judgment is presently set to be heard before the Honorable Edward J. Davila on December 16, 2011 at 9:00 A.M.

¹ As such, as of this writing, Plaintiff has yet to receive an answer or any other responsive pleading from the defendant. As a result, Plaintiff's counsel has not conferred with the defendant concerning the claims, discovery, settlement, ADR or any of the other pertinent issues involving the case itself or the preparation of a Case Management Conference Statement.

1 **WHEREFORE**, Plaintiff respectfully requests that this Honorable Court vacate the Case
2 Management Conference presently scheduled for Friday, August 26, 2011 at 1:30 P.M. or conduct the
3 conference on the same date the hearing on Plaintiff's Application for Default Judgment in order that
4 Plaintiff and its counsel may avoid unnecessary fees and costs in this matter.

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Respectfully submitted,

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Dated: August 16, 2011

/s/ Thomas P. Riley

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LAW OFFICES OF THOMAS P. RILEY, P.C.

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By: Thomas P. Riley

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Attorneys for Plaintiff

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Joe Hand Promotions, Inc.

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IT IS SO ORDERED.

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The request to continue the conference is DENIED. In its June 16, 2011 Order the Court
17 ordered Mr. Riley personally and physically appear at the August 26, 2011 Case Management
Conference.

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Dated: August 18, 2011



Edward J. Davila

United States District Judge

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